

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS A. LORENZANA LOPEZ,

Defendant.

4:12CR3102

MEMORANDUM AND ORDER

After conducting a hearing, the defendant's motion for release, (Filing No. 23), is denied. The court concludes the defendant must be detained pending trial for the following reasons:

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a drug crime under the Controlled Substances Act (21 U.S.C. § 801 et seq.), for which the defendant could be required to serve ten or more years in prison. The defendant has not rebutted this presumption.

Specifically, the court finds:

- The defendant's criminal record indicates a propensity to violate the law and orders of the court.
- The defendant's criminal history indicates a propensity to harm, coerce and intimidate others, and to place others at risk of harm.
- The defendant has a substance abuse addiction or abuses mood-altering chemicals and is likely to continue such conduct and violate the law if released.
- The defendant has failed to appear for court proceedings in the past.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

January 30, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge